

# NOTICE OF RECEIPT WATER RIGHT APPLICATION

(Pursuant to Section § 85-2-307(1), MCA)

Summarized below are the application details as described in an Application for a Provisional Permit received by the Department of Natural Resources & Conservation on NOVEMBER 15, 2022. This notice reflects the application details only as originally submitted. The notice does not reflect changes to the application details made during the review process.

**Application Number:** 76LJ 30158864

**Owners:** SMITH, LINDA A TRUST  
PO BOX 1480  
WHITEFISH, MT 59937 1480

**Priority Date:** NOVEMBER 15, 2022 at 02:27 P.M.

**Purpose (Use):** DOMESTIC  
LAWN AND GARDEN

**Maximum Flow Rate:** 35.00 GPM

**Maximum Volume:** 3.50 AC-FT

**Source Name:** WHITEFISH RIVER (WHITEFISH LAKE)

**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>		<u>Govt Lot</u>	<u>QtrSec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NWNW	14	31N	22W	FLATHEAD
	<b>Period of Diversion:</b>	JANUARY 1 TO DECEMBER 31					
	<b>Diversion Means:</b>	PUMP					
	<b>Purpose (Use):</b>	DOMESTIC					
	<b>Households:</b>	1					
	<b>Volume:</b>	1.00 AC-FT					
	<b>Period of Use:</b>	JANUARY 1 to DECEMBER 31					
	<b>Place of Use:</b>						
<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>QtrSec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NWNW	14	31N	22W	FLATHEAD
	<b>Purpose (Use):</b>	LAWN AND GARDEN					
	<b>Volume:</b>	2.50 AC-FT					
	<b>Period of Use:</b>	APRIL 15 to OCTOBER 15					
	<b>Place of Use:</b>						
<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>QtrSec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			NWNW	14	31N	22W	FLATHEAD

**Remarks:**

**CLARK FORK RIVER BASIN LAW**

THIS PROVISIONAL WATER USE PERMIT HAS A PRIORITY DATE THAT IS JUNIOR TO THE RIGHTS OF SENIOR WATER RIGHT HOLDERS IN THE CLARK FORK RIVER BASIN. IN ACCORDANCE WITH MONTANA LAW, YOU MAY BE SUBJECT TO A CALL BY SENIOR WATER RIGHT HOLDERS, IN WHICH CASE YOU MAY BE REQUIRED TO DISCONTINUE YOUR USE OF WATER FOR THE PERIOD OF THE CALL.

**CONFEDERATED SALISH AND KOOTENAI TRIBES - RESERVED WATER RIGHTS**

THIS RIGHT IS SUBJECT TO ALL PRIOR INDIAN RESERVED WATER RIGHTS OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES IN THE SOURCE OF SUPPLY. IT IS THE TRIBE'S POSITION THAT THE EXERCISE OF JUNIOR WATER RIGHTS EITHER WITHIN OR OUTSIDE OF THE EXTERIOR BOUNDARIES OF THE FLATHEAD INDIAN RESERVATION MAY AFFECT THE RESERVED WATER RIGHTS OF THE TRIBE WITHIN THE EXTERIOR BOUNDARIES OF THE RESERVATION. IT IS THE TRIBE'S POSITION THAT ECONOMIC INVESTMENTS MADE IN RELIANCE UPON THIS RIGHT DO NOT CREATE IN THE APPROPRIATOR ANY EQUITY OR VESTED RIGHT AGAINST THE TRIBES. THE APPROPRIATOR IS HEREBY NOTIFIED THAT ANY FINANCIAL OUTLAY OR WORK INVESTED IN A PROJECT PURSUANT TO THIS RIGHT IS AT APPROPRIATOR'S RISK. THE ISSUANCE OF THIS RIGHT DOES NOT REDUCE THE APPROPRIATOR'S LIABILITY FOR DAMAGE CAUSED BY THE EXERCISE OF THE RIGHT. IT DOES NOT MAKE THE DEPARTMENT LIABLE FOR DAMAGE CAUSED BY THE EXERCISE OF THE RIGHT. NOR IS THE DEPARTMENT LIABLE FOR ANY LOSS TO THE APPROPRIATOR CAUSED BY THE EXERCISE OF SENIOR RESERVED WATER RIGHTS.

IF ISSUED, THE RIGHT WILL BE SUBJECT TO PRIOR EXISTING WATER RIGHTS.

In general, the department will make a preliminary determination to grant or deny this application within 120 days of the date the application is deemed correct and complete. That date is currently unknown. If the preliminary determination is to grant the application, the application will be published in the local newspaper and a notice will be sent to appropriators who, according to the department records may be affected by the proposed appropriation. Individuals will have 45 days to submit an objection under § 85-2-308, MCA, after the application has been published in the newspaper.

Direct questions regarding this application to the Water Resources Regional Office, 655 TIMBERWOLF PARKWAY, SUITE 4, KALISPELL, MT 59901-2387 PHONE: 406-752-2288 FAX: 406-752-2843.